THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25383 of 2006

Dated:15.12.2006

BETWEEN:

V.P.Goyal

… Petitioner

and

C.P.D.C of A.P., Ltd., and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25383 of 2006

ORDER:

The petitioner is the owner of a residential flat bearing No.503, Edaikode Towers, Srinagar Colony, Hyderabad. He is availing electricity supply under SC No.S1-10422 (Category-I) from the respondents. The Additional Divisional Engineer-II inspected the petitioner's premises on 28.02.2006. Having allegedly found certain incriminating circumstances, pointing to pilferage of electricity he prepared the provisional assessment order calling upon the petitioner to pay a sum or Rs.8,10,034/-, being the provisional value of pilfered energy. The petitioner was also asked to pay half of the value of the amount if he desires to continue to avail the supply. The petitioner made a representation to the first respondent, the Final Assessment Officer. He passed an order on 20.10.2006 confirming the provisional assessment, aggrieved by which, the present Writ Petition is filed.

Inter alia, it is contended that the impugned Final Assessment Order was passed without giving an opportunity to the petitioner. On this limited ground, this Court, being convinced of the *prima facie* case of the petitioner, directed the learned Standing Counsel for Central Power Distribution Company Limited (CPDCL) to get instructions in the matter. Today after getting instructions, Sri A.Bhuvana Sunder Reddy, learned Counsel representing the learned Standing Counsel for CPDCL, submits that the respondents have decided not to enforce the Final Assessment

Order, and that the matter is being referred to the Special Court under Section 154 of the Electricity Act, 2003, for determining the civil liability of the petitioner. The respondents are given liberty to do so. In view of this submission, it would not be proper for this Court to adjudicate the issue. For further redressal, if any, the petitioner may approach the Special Court.

The Writ Petition, with the above observations, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

15.12.2006
vs